

REMARKS

STATUS OF THE CLAIMS

Claims 1-18, 20-34, and 36-41 were pending in this application. Claims 1-18, 20, 29-34, and 36-41 have been withdrawn without prejudice. Following entry of the amendments claims 21-28 will be pending and at issue.

ELECTION/RESTRICTION REQUIREMENT

In accordance with 37 CFR 1.499, the Examiner required Applicant to elect a single invention to which the claims must be restricted. Office Action at 2. The groups are:

Group I, claim(s) 1-3, 9-17, 18, 20, and 36-39, drawn to a composition comprising a metal oxide-based nanoparticle and use thereof;

Group II, claim(s) 4-11, 18, 20, 40 and 41, drawn to a composition comprising a magnetic nanoparticle and use thereof;

Group III, claims 21-28, drawn to a method of making nanoparticle;

Group IV, claims 29-34, drawn to a method of functionalizing a nanoparticle.

Applicant elects Group III (claims 21-28), drawn to a method of making a nanoparticle, without traverse. Claims encompassing the elected invention are: 21-28. Office Action at 5.

Applicant withdraws, without prejudice, the non-elected claims. Applicant understands that the non-elected claims will be considered for rejoinder should the elected claims be found allowable. In addition, Applicant reserves the right to introduce canceled and/or non-elected subject matter in this or a separate continuation or divisional application. Also, the claim cancellations and/or withdrawals should not be construed as abandonment or agreement with the Examiner's position in the Office Action.

CONCLUSION

Withdrawal of the pending rejections and reconsideration of the claims are respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant's representative at (415) 875-2352.

Respectfully submitted,
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